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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,504	07/10/2003	David Ray Hamm	P02707	6559

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EXAMINER

MORROW, JASON S

ART UNIT PAPER NUMBER

3612

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/618,504

Applicant(s)

HAMM, DAVID RAY

Examiner

Jason S. Morrow

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Showalter.

Showalter discloses a golf cart shading system for at least one occupant compartment of a golf cart, comprising in combination shading means (26, figure 5) for shading at least one rear portion of the at least one occupant compartment of the golf cart, aperture means (28) for permitting passage through the shading means of at least one rear support bracket for supporting at least one piece of golf equipment outside the shading means, upper attachment means (44) for attaching the shading means to at least on upper portion of the golf cart, lower attachment means for attaching the shading means to at least one lower portion of the golf cart (snaps shown along the bottom of 26 in figure 5), and window means (24) for allowing the at least one occupant to view out the at least one rear portion of the at least one occupant compartment of the golf cart, wherein the shading means, the aperture means, the upper attachment means, the lower attachment means, and the windows means are joined together so that they may be removed from the golf cart as one substantially rectangular piece which can be laid out substantially flat (column 6, lines 15-24).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 8-12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Showalter.

Re claim 2, Sullivan discloses a golf cart shading system for at least one occupant compartment of a golf cart, comprising in combination at least one shader (23) structured and arranged to shade at least one rear portion of the at least one occupant compartment of the golf car, and, at least one upper attacher (25a) adapted to attach the at least one shader to at least one upper portion of the golf cart, at least one lower attacher (27) adapted to attach the at least one shader to at least one lower portion of the golf cart, and at least one upper tensioner (25) structured and arranged to apply tension to an upper portion of the at least one shader, wherein the at least one upper tensioner comprises elastic.

Re claim 3, the at least one lower attacher is adapted to attach to at least one armrest portion of the at least one lower portion of the golf cart (the structure is capable of performing the required function).

Re claim 4, the at least one upper attacher is adapted to attach to at least one roof handhold portion of the at least one upper portion of the golf cart (the structure is capable of performing the required function).

Art Unit: 3612

Re claim 5, at least one lower tensioner (27) is structured and arranged to apply tension to at least one lower portion of the at least one shader, wherein the at least one lower tensioner comprises elastic.

Re claim 8, the at least one upper attacher, and at least one lower attacher are joined together so that they may be removed from the golf cart as one substantially rectangular piece which can be laid out substantially flat (see figure 4).

Re claims 9, 10, and 11, the at least one shader comprises at least one viewer (22) structured and arranged to assist the at least one occupant viewing out the at least one rear portion of the at least one occupant compartment of the golf cart.

Re claim 12, the at least one viewer comprises at least one sunlight controller structured and arranged to control a quantity of sunlight passing through the at least one viewer (the piece 22, controls sunlight passing through itself).

Re claims 16 and 17, the golf cart shading system is attached to a golf cart.

Sullivan does not disclose at least one aperture.

Showalter teaches at least one aperture (28) structured and arranged to permit passage through at least one shader of at least one rear support bracket for supporting at least one piece of golf equipment outside the at least one shader.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a golf cart shading system, such as that disclosed by Sullivan, to have at least one aperture structured and arranged to permit passage through the at least one shader of at

Art Unit: 3612

least one rear support bracket for supporting at least one piece of golf equipment outside the at least one shader, as taught by Showalter, in order to allow the removal of the golf equipment without removing the shading system.

5. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan and Showalter, as applied to claims 2-5, 8-12, 16, and 17 above, and further in view of Mills.

Sullivan and Showalter do not disclose the use of a storage bag or set of installation instructions.

Mills teaches the use of at least one storage bag (40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a kit, such as that disclosed above, to include a storage bag, as taught by Mills, to provide a place to store the shading means when not in use.

The use of instructions is old and well known in the art.

It would have been to one of ordinary skill in the art at the time the invention was made to modify a kit, such as that disclosed above, to include instructions, as is old and well known in the art, to make the task of using the shader for the first time easier.

Art Unit: 3612

6. Claims 6, 7, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan and Showalter, as applied to claims 2-5, 8-12, 16, and 17 above, and further in view of Jopp et al.

Sullivan and Showalter disclose all the limitations of the claims, as applied above, except for at least one holder structured and arranged to hold at least one personal item of the at least one occupant or at least one cover adapted to cover the at least one viewer.

Jopp et al. teaches at least one holder (50) structured and arranged to hold at least one personal item of at least one occupant and a cover (48) adapted to cover a viewer.

It would have been obvious to one of ordinary skill in the art to modify a shading system, such as that disclosed above, to have at least one holder structured and arranged to hold at least one personal item of the at least one occupant and at least one cover adapted to cover the at least one viewer, as taught by Jopp et al. in order to provide a commonly known convenience feature to which the shader is attached and to control light for preventing glare from bothering the vehicle driver.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan, Showalter, and Mills, as applied to claims 18 and 19 above, and further in view of Jopp et al.

Sullivan, Showalter, and Mills disclose all the limitations of the claims, as applied above, except for at least one holder structured and arranged to hold at least one personal item of the at least one occupant or at least one cover adapted to cover the at least one viewer.

Art Unit: 3612

Jopp et al. teaches at least one holder (50) structured and arranged to hold at least one personal item of at least one occupant and a cover (48) adapted to cover a viewer.

It would have been obvious to one of ordinary skill in the art to modify a shading system, such as that disclosed above, to have at least one holder structured and arranged to hold at least one personal item of the at least one occupant and at least one cover adapted to cover the at least one viewer, as taught by Jopp et al. in order to provide a commonly known convenience feature to which the shader is attached and to control light for preventing glare from bothering the vehicle driver.

#### *Response to Arguments*

8. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period



Art Unit: 3612

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 12, 2004

Jason S. Morrow  
Examiner  
Art Unit 3612

  
**JASON MORROW**  
**PRIMARY PATENT EXAMINER**

10/12/04